

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THE NEW YORK INDEPENDENT  
SYSTEM OPERATOR, INC.,

Plaintiff,

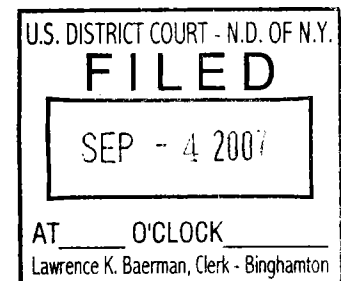
Case No. 1:06-cv-1033 TJM-DRH

- against -

**ORDER**

FULTON COGENERATION  
ASSOCIATES, L.P., and  
LIONS CAPITAL MANAGEMENT, LLC  
d/b/a LION CAPITAL MANAGEMENT  
GROUP, LION CAPITAL GROUP and  
LION CAPITAL MANAGEMENT,

Defendants.  
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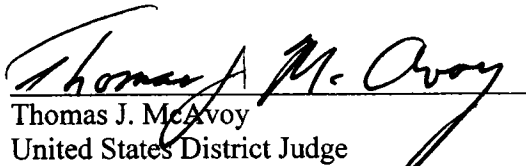
This matter came before the Court upon motion (the "Motion") of the Plaintiff pursuant to Rule 55 of the Federal Rules of Civil Procedure and Local Rule 55.2. Having reviewed the affidavit of Joseph J. Saltarelli, Esq., sworn to August 9, 2007, and annexed exhibits, and the affidavit of Sheri Prevratil, sworn to August 9, 2007, and annexed exhibits, together with the memorandum of law filed in support of the Motion, and it appearing that (i) the summons and complaint in this proceeding were properly served upon Fulton Cogeneration Associates, L.P. ("Fulton"), and Lions Capital Management, LLC d/b/a Lion Capital Management Group, d/b/a Lion Capital Group, d/b/a Lion Capital Management ("Lions Capital"; together with Fulton, the "Defendants"), (ii) Defendants' prior motion to vacate their default in this matter was granted on May 3, 2007 and Defendants were granted 20 days from that date to file and serve an answer, (iii) by Court order dated May 22, 2007, the Defendants' time to file and serve an answer, or otherwise move with respect to the Plaintiff's complaint, was extended to July 2, 2007, (iv) the

Defendants failed to answer, file a responsive pleading or otherwise respond to the complaint on or before July 2, 2007, or at any other time thereafter, (v) the time for filing responsive pleadings has expired, (vi) the Defendants are in default, (vii) default was entered against the Defendants by the Clerk of the Court on July 20, 2007, (viii) the Defendants have submitted no response to Plaintiffs' present motion for entry of default judgment, and (ix) the Defendants are not infants or incompetents; and it further appearing that the Defendants are indebted to the Plaintiff, jointly and severally, in the principal amount of \$272,835.00, plus accrued interest in the amount of \$28,929.03, together with costs in the amount of \$635.00, for a total sum of \$302,399.03, it is hereby Ordered that:

Plaintiff's motion for entry of default judgment (docket no. 46) is granted. The Clerk of the Court is directed to enter judgment against Fulton Cogeneration Associates, L.P. and Lion Capital Management Group, d/b/a Lion Capital Group, d/b/a Lion Capital Management, jointly and severally, in the amount of \$302,399.03, with post-judgment interest as provided by law.

SO ORDERED

Dated: 9/4/07

  
Thomas J. McAvoy  
United States District Judge